

Assembly Joint Resolution No. 29

RESOLUTION CHAPTER 109

Assembly Joint Resolution No. 29—Relative to the Local Law Enforcement Hate Crimes Prevention Act.

[Filed with Secretary of State August 29, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 29, Eng. Local Law Enforcement Hate Crimes Prevention Act: hate crimes.

This measure would memorialize the Legislature's support for the Local Law Enforcement Hate Crimes Prevention Act (LLEHCPA), also known as the Matthew Shepard Act, and urge the United States Congress, including all members of the California delegation, to vote in favor of passage of, and the President of the United States to sign into law, legislation that strengthens the ability of federal, state, and local governments to investigate and prosecute hate crimes based on race, ethnicity, religion, gender, gender identity, sexual orientation, and disability.

WHEREAS, Hate crimes are acts of terror meant to intimidate and cause fear in our communities and to deter the free exercise and enjoyment of any rights or privileges secured by the United States and California Constitutions, the laws of the United States, and the laws of the State of California; and

WHEREAS, The California Department of Justice reported the occurrence of 1,409 hate crimes in 2004 and 1,397 hate crimes in 2005; and

WHEREAS, The United States Federal Bureau of Investigations reported 7,163 hate crime offenses in 2005; and

WHEREAS, The United States Department of Justice's National Criminal Victimization Survey estimates that an annual average of 210,000 hate crime victimizations occurred nationally between July 2000 and December 2003; and

WHEREAS, The National Criminal Victimization Survey also indicates that only 92,000, or less than 44 percent, of hate crime victimizations during that time period were reported to the police; and

WHEREAS, The Southern Poverty Law Center reports that the number of hate groups in the United States increased from 52 active hate organizations in 2005 to 63 active hate organizations in 2006; and

WHEREAS, The Southern Poverty Law Center also reports that the number of hate groups in the United States continued to grow in 2006, increasing 5 percent over the prior year to 844 total groups; and

WHEREAS, According to research by the Intelligence Project of the Southern Poverty Law Center, there has been a 40 percent increase in the

number of hate groups since 2000, when 602 such groups existed in the United States; and

WHEREAS, Much of the expansion of hate groups has been driven by these groups' exploitation of the issue of illegal immigration; and

WHEREAS, The underreporting of hate crimes is the result of a variety of factors that include the victim's lack of knowledge about the criminal justice system, fear of retaliation, linguistic and cultural barriers, immigration status, and prior negative experience with governmental agencies; and

WHEREAS, The federal government possesses the authority to investigate and prosecute hate crimes committed because of the victim's race, ethnicity, religion, or national origin; and

WHEREAS, According to the United States Federal Bureau of Investigation, 13.8 percent of victims of hate crime offenses in 2005 were targeted because of a bias against a particular sexual orientation; and

WHEREAS, Only 11 states and the District of Columbia have laws addressing hate crimes motivated by bias against the victim's sexual orientation and gender identity, among other protected categories; and

WHEREAS, Thirty-one states and the District of Columbia include coverage for disability-based crimes; and

WHEREAS, The Local Law Enforcement Hate Crimes Prevention Act (LLEHCPA), also known as the Matthew Shepard Act, strengthens the ability of federal, state, and local governments to investigate and prosecute hate crimes based on race, ethnicity, religion, gender, gender identity, sexual orientation, and disability; and

WHEREAS, The LLEHCPA provides grants to state and local governments to combat violent crimes committed by juveniles and to train law enforcement officers to assist in state and local investigations and prosecutions of bias-motivated crimes; and

WHEREAS, The LLEHCPA protects rights of the accused as expressed in the First Amendment to the United States Constitution by prohibiting the introduction of evidence of association or expression to prove that a crime has been committed, unless it specifically relates to the offense charged; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature calls on the United States Senate and the United States House of Representatives to support the Local Law Enforcement Hate Crimes Prevention Act (LLEHCPA), also known as the Matthew Shepard Act; and be it further

Resolved, That the Legislature urge the President of the United States to sign into law the Local Law Enforcement Hate Crimes Prevention Act (LLEHCPA), also known as the Matthew Shepard Act; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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